



N 09/476,622

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Howard Chin et al.

Examiner: William T. Treat

Serial No.: 09/476,622

Group Art Unit: 2183

Filed: December 31, 1999

Docket: 884.101US1

Title: EXTERNAL MICROCODE

**RESPONSE TO SUMMARY OFFICE ACTION**  
**UNDER 37 CFR § 1.111**

**RECEIVED**

DEC 04 2002

Commissioner for Patents  
Washington, D.C. 20231

Technology Center 2100

The Applicants' representative has reviewed the Office Action Summary October 28, 2002. Please consider the appended remarks.

**REMARKS**

The Applicants' representative has carefully reviewed and considered the Office Action Summary mailed on October 28, 2002, and the references cited therewith. No claims are amended, no claims are canceled, and no claims are added. As a result, claims 10 and 21-40 are now pending in this Application.

**Claims 10 and 21-40 Withdrawn from Consideration**

It is asserted in the Office Action Summary that since an action on the merits of claims 1-20 (wherein claim 10 is still pending) has been received by the Applicants, embodiments of the invention claimed therein have been constructively elected. Therefore, claims 10 and 21-40 have been withdrawn by the Office from consideration, because it is asserted that embodiments of the invention claimed therein are distinctly different from those claimed in original claims 1-20. The Applicants respectfully disagree.

The mere presentation of different embodiments is not necessarily equivalent to specifically identifying separate and distinct inventions. No clear reason has been given as to why the claims withdrawn from consideration are not readable on the elected invention, as required by M.P.E.P. § 821. Therefore, the Applicants maintain traversal of the restriction requirement for the reasons given in the Response filed with the Office on October 15, 2002, and